

### REMARKS

Claims 2-6, as amended, remain herein. Claims 8-13 remain herein but are presently withdrawn from consideration.

Claim 2 was rejected under 35 U.S.C. § 102(e) over Boutaghou. Claim 3 was rejected under 35 U.S.C. § 103(a) over Boutaghou in view of Mastache. Claims 4-5 were rejected under 35 U.S.C. § 103(a) over Boutaghou in view of Cambell. Claim 6 was rejected under 35 U.S.C. § 103(a) over Boutaghou in view of Mastache and Cambell.

Each of the stated rejections was based on Boutaghou. However, Boutaghou is not prior art to the instant application. Specifically, Boutaghou's U.S. filing date is June 27, 2001, and a U.S. provisional patent application's priority filing date is July 10, 2000. In contrast, the present application claims priority to Japanese patent application No. 2000-085487, filed March 27, 2000. A verified translation of JP 2000-085487 is filed herewith.

The Japanese priority date of the instant application precedes both Boutaghou's U.S. filing date and the priority date of its provisional filing (to the extent that Boutaghou is even entitled to that date). Boutaghou is therefore not prior art to the instant application under any provision of 35 U.S.C. §§ 102 or 103. Since all the rejections of pending claims 2-6 are based on Boutaghou, the rejections may not be maintained as a matter of law, and claims 2-6 are patentably distinct over the remaining cited prior art. Withdrawal of the rejection of claims 2-6 and allowance of the same are therefore requested.

In Applicants' amendment of February 11, 2005, claim 4 was amended and remarks were advanced to traverse a rejection based on a combination of Boutaghou in view of Mastache. In view of the fact that Boutaghou at all times was not prior art to the instant application, those

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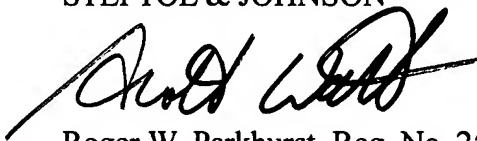
remarks were unnecessary for the patentability of the pending claims herein. No estoppel or adverse effect should be deemed to attach to such amendments or remarks.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested.

If a telephone conference would be appropriate, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28951.5197).

Respectfully submitted,  
STEPTOE & JOHNSON

A handwritten signature in black ink, appearing to read "Roger W. Parkhurst", is written over the printed name.

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